

CHAPTER 259.

SLANDER AND LIBEL.

[No. III of 1846.]

[2nd January, 1846.]

Short title.

1. This Ordinance may be cited as the Slander and Libel Ordinance.

Cases in which action for defamation maintainable.

2. Whenever an action for defamation would be maintainable in the High Court of Justice in England in respect of words spoken, and in no other case, an action for defamation shall be maintainable in the Supreme Court of the colony in its civil jurisdiction, and in no other court.

Plea of truth of matters charged.

3. In every action for defamation or for libel the defendant may plead the truth of the matters charged by way of justification in the same manner as he may do in any like action in the High Court of Justice in England, and if, on the issue joined on that plea, a verdict passes for the defendant, the defendant shall have final judgement and recover his costs of suit.

Evidence of apology in mitigation of damages.

4. In every action for defamation the defendant, (after notice in writing of his intention to do so, duly given to the plaintiff at the time of filing or delivering the plea in that action), may give in evidence in mitigation of damages that he made or offered an apology to the plaintiff for the defamation before the commencement of the action, or as soon afterwards as he had an opportunity of doing so, if the action has been commenced before there was an opportunity of making or offering the apology.

Special plea in action for libel in newspaper.

5.—(1) In any action for a libel contained in any public newspaper or other periodical publication, the defendant may plead that the libel was inserted in that 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 the newspaper or other periodical publication a full apology for the libel, or, if the newspaper or periodical publication in which the libel appeared is ordinarily published at intervals exceeding one week, had offered to publish the apology in any newspaper or periodical publication to be selected by the plaintiff in the action.

(2) A defendant shall, on filing that plea, be at liberty to pay into court a sum of money by way of amends for the injury sustained by the publication of the libel; and the payment into court shall be by leave of the Court or any one of the judges thereof in the manner and under the regulations the Court by any rules or orders of court made, from time to time orders and directs.

6. No defendant in the action may file any such plea without at the same time making a payment of money into court by way of amends as provided by this Ordinance, and every plea so filed without payment of money into court shall be deemed a nullity and may be so treated by the plaintiff in the action.

Payment
into court
with special
plea.

7. Nothing in this Ordinance shall take away or prejudice any defence under the plea of not guilty which it would be competent to the defendant to make under such plea as aforesaid to any action for defamatory words or libel, if that action was brought in the High Court of Justice in England.

Saving of
effect of plea
of not guilty.