

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 of 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.

VII. 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 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.

VIII. 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 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 a Judge of the Court before which the said indictment or information is tried.

IX. 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, they shall, nevertheless, 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.

X. In every case, civil or criminal, where a trial shall be had for a Libel published in any printed newspaper, magazine or other periodical publication, evidence may be given of the printing or publishing of such Libel by the production of the actual newspaper, magazine or other printed publication containing the alleged Libel, and which shall be proved to have been published or printed by the said Defendant, or by his authority, express or implied, and it shall be *prima facie* evidence of such printing and publishing to produce any printed document containing the libellous matter complained of, and which amongst other printed matter contained therein purports to be printed and published by the said Defen-

dant, together with the testimony of any competent witness, who shall on oath, state to the effect that he knows the said Defendant and verily believes that the printed paper, so offered in evidence, has been printed or published by the authority express or implied of the said Defendant.

XI. The proceeding, by criminal information, for a Libel on a private individual is hereby abolished.

CAP. XXVI.

An Act to incorporate the Minister and Trustees of the Presbyterian Congregation of Woodville and Little Sands, Townships Numbers sixty-two and sixty-four.

[Passed April 3, 1865.]

WHEREAS it is desirable for the efficient management of the temporal affairs of the Presbyterian Congregation of Woodville and Little Sands, Townships Numbers sixty-two and sixty-four, that its Minister and Trustees be an Incorporate Body.

I. Be it therefore enacted by the Lieutenant Governor, Council and Assembly, as follows, that is to say: that the Reverend Donald MacNeill be *ex-officio*, and John MacDonald, junior, Duncan Crawford, Neil MacMillan, Donald Beaton, Duncan Munn, Malcolm Stewart and Donald Beaton, junior, and their successors forever, shall be and are hereby constituted and declared to be a Body Corporate, under and by the name of "The Minister and Trustees of the Presbyterian Congregation of Woodville and Little Sands," and shall continue until the first Monday of January, in the year of Our Lord one thousand eight hundred and sixty-six, and they and their successors, in office forever, shall have a common seal, with power to break, change and alter the same from time to time as may be found requisite, and shall be in Law capable of suing, pleading, defending, answering, and of being sued, impleaded, defended and answered unto in all Courts of Judicature, in all manner of actions; and also of contracting, and being contracted with, relative to the lands and funds of the said Corporation, and the other purposes for which it is constituted as hereinafter declared; and may establish, put in execution, alter or repeal such By-laws and Regulations as shall not be contrary to the Constitution and Laws of this Island, or the provisions of this Act, as may appear to the said Corporation necessary and expedient for interests thereof, and for these purposes appoint their own Chairman and other officers, three members being a quorum, in all matters to be done and disposed of by the said Corporation.

II. After the passing of this Act there shall be chosen, annually, on the first Monday of January, in each year, seven persons, four persons from among the members in full standing in the Congregation, and likewise, also, three persons from among the members or adherents qualified to vote as hereinafter mentioned, being seven in all, who shall be together with the Minister of the Congregation, or in case of a vacancy, the members of Presbytery appointed to moderate in the session during such vacancy in lieu of the Trustees appointed in this Act, the Body Corporate of the said Congregation,